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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,518	12/15/2005	Christian Danz	10191/3931	1880

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EXAMINER	
HOFSASS, JEFFERY A	

ART UNIT	PAPER NUMBER
2612	

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04/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,518	DANZ ET AL.	
	Examiner	Art Unit	
	JEFFERY HOFSASS	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8,9 and 11-14* is/are rejected.

7)☒ Claim(s) *10, 15 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 8-16 are pending in the application. Claims 1-7 have been cancelled. Claims 8, 9 and 11-14 are finally rejected. Claims 10, 15 and 16 are objected to as containing allowable subject matter. The 112 rejection to claim 14 has been overcome by the amendment.

2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Desens et al [US 6,097,314] (Desens).

Desens discloses a parking aid for a vehicle, comprising:

a) a measuring unit configured to detect spatial dimensions of parking spaces as the vehicle travels past the parking spaces;

Note fig. 1, #102+ of Desens.

b) a memory unit to store properties of the parking spaces; and

Note col. 3, line 52, to col. 4, line 2. Note that col. 3, lines 65 and 66, discuss "stored data". That will be sufficient to meet the claim's recitation of "store properties".

c) an output unit to output information about the parking spaces

Note col. 3, line 35 to col. 4, line 2.

It is further seen that the memory unit would store multiple parking spaces as a second spot is measured, the dimensions just not stored at the same time.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desens as applied to claim 8 above, and further in view of Betzitza et al [6,265,968] (Betzitza).

Claim 9 recites that at "least one" of various measurements are displayed. Desens teaches a display on col. 5, lines 4-8, for displaying the measurements of the parking space. Desens' disclosure to this point however is rather brief, although it would have been obvious to one skilled in the vehicle display art that displays are capable of displaying any signal related to the vehicle operation or its surroundings. Literally thousands of patents teach various aspects of signals and distances being displayed to the vehicle operator and at locations remote from the vehicle. For example, military vehicles have displays for every data point on their vehicle and that information can easily be sent back to their command station.

Betzitza on col. 6, lines 1-6, teaches determining the length of the parking spaces and determines whether there it is sufficient space for the vehicle to park. Inherently that means that Betzitza is using the vehicle dimensions and measuring the parking spot dimensions to determine if the vehicle will fit.

In view of the combined teaching it would have been obvious to the one of ordinary skill in this art to include a display on the car to provide information whether the car would fit into the parking space.

Claim 14 add no limitations which weren't considered above.

6. Claims 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desens as applied to claim 8 above, and further in view of Dutta et al [2002/0161520] (Dutta).

Claim 11 is directed to deleting the memory data after the vehicle moves a predefined distance from the parking space, and claim 13 recites that the display is triggered by the operation of at least one operating element.

Re claim 11, Dutta, in figure 8 and paragraph 0063, teaches that if the vehicle leaves the current metropolitan area, then parking information is updated. If the information is updated, then previously stored information is routinely deleted. This would be a predetermined distance.

Re claim 13, Dutta, in paragraph 0061, teaches that the parking information is requested by the vehicle and transmitted to it from a central station. Dutta thus teaches "an operating element" in the vehicle and a display in the vehicle (paragraph 0027).

It would have been obvious that the combined teachings of Desens and Dutta teach a vehicle display which provides information of the availability of a parking spot including erasing the information once the vehicle moves far enough away from the parking space. It would be impracticable to maintain parking

space information once the vehicle leaves the area. Unlike a map system where one might like to store the trip or route information, it would have been obvious that, since parking spaces continuously fill and empty, only the most current parking space availability information is of any value. Likewise, if a vehicle is traveling in an area, the driver would obviously want status information on multiple spaces in the area since the driver would want to park in the one most easily accessible and closest to the ultimate destination.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desens et al.

Claim 12 tracks the speed above and below a predetermined level. Desens in col. 5, line 8, measures the speed and recognizes when the vehicle is going too fast. Obviously, if the vehicle is going too fast, it will not be able to slow down fast enough to prepare for parking without potentially causing an accident with other vehicles. So, Desens essentially warns the drives about parking safety if driving at high speed. Alerting the driver about parking availability at low speed would have been obvious. If the driver is alerted that the speed is too high to park, the absence of the alert obviously means that the speed is below the predetermined unsafe level.

8 Claims 10, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's remarks have been read and considered.

As explained above it is seen that multiple dimensions are stored. Displaying multiple space's dimensions as claimed in claims 10 and 15 are now indicated as allowable. The rest of applicant's remarks have been addressed in the claim rejections

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFERY HOFSASS whose telephone number is (571)272-2981. The examiner can normally be reached on a maxiflex schedule from 8:30am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi, can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeff Hofsass/
Primary Examiner, Art Unit 2612

3/30/2009

Jeff Hofsass
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